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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,069	12/20/2001	Arunkumar B. Thippeswamy	CISCP740	2860
54406	7590	01/24/2007	EXAMINER	
AKA CHAN LLP / CISCO 900 LAFAYETTE STREET SUITE 710 SANTA CLARA, CA 95050			SAM, PHIRIN	
			ART UNIT	PAPER NUMBER
			2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/028,069	THIPPESWAMY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Phirin Sam	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 November 2006.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 27-36 is/are allowed.
- 6) Claim(s) 1,4-17 and 20-26 is/are rejected.
- 7) Claim(s) 2,3,18 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

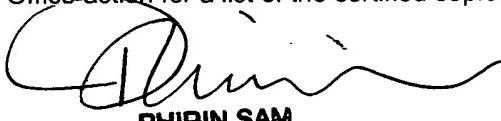
#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 November 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM  
**PRIMARY EXAMINER**

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|--|--|

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-17, and 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7,092,397 (hereinafter referred as “Chandran”).

**Regarding claims 1 and 4-10,** Chandran discloses a method for forwarding a packet upstream from a subscriber unit to a central access point, the packet including destination information and source information, the method comprising:

- (a) determining a first value associated with the packet, the first value being one of a predetermined set of values, wherein the first value is determined using the destination information and the source information (see Figs. 1-2b, col. 4, lines 9-18, 58-61, and col. 5, lines 1-9);
- (b) identifying a first service flow that is suitable for use to forward the packet, the first service flow being one of a set of service flows between the source and the destination, wherein the first service flow is identified using the first value associated with the packet (see Figs. 1-2b, col. 4, lines 18-39, 63-67);
- (c) sending the packet on the first service flow (see Figs. 1-2b, col. 4, lines 40-50, and col. 5, lines 10-12).

**Regarding claims 11-16, 22-26,** Chandran discloses A method for forwarding packets associated with a session upstream from a subscriber unit to a central access point, the method comprising:

- (a) identifying a number (N) of available service flows between the subscriber unit and the central access point (see Figs. 1-2b, col. 4, lines 19-39);
- (b) sending a first packet from the subscriber unit to the central access point on a first service flow included in the N available service flows (see Figs. 1-2b, col. 4, lines 40-43);
- (c) sending an Nth packet from the subscriber unit to the central access point on an Nth service flow included in the N available service flows (see Figs. 1-2b, col. 4, lines 40-43).

**Regarding claims 17, 20, and 21,** Chandran discloses A device for forwarding a packet upstream to a central access point, the packet including destination information and source information, the device comprising:

- (a) means for causing a first value associated with the packet to be determined, the first value being one of a predetermined set of values, wherein the means for causing the first value to be determined include means for causing the destination information and the source information to be used (see Figs. 1-2b, col. 4, lines 9-18, 58-61, and col. 5, lines 1-9);
- (b) means for causing a first service flow that is suitable for use to forward the packet to be identified, the first service flow being one of a set of service flows between the source and the central access point, wherein the means for causing the first service flow to be identified include means for causing first service flow to be identified using the first value associated with the packet (see Figs. 1-2b, col. 4, lines 18-39, 63-67);

(c) means for causing the packet to be sent on the first service flow (see Figs. 1-2b, col. 4, lines 40-50, and col. 5, lines 10-12).

***Allowable Subject Matter***

3. Amended claim 27 and claims 28-36 allowed.
4. Claims 2, 3, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 11,14-16, 22, 25, and 26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - (1) US Patent 7,039,048 (Monta et al) discloses headend cherrypicker multiplexer with switched front end.
  - (2) US Patent 7,012,891 (Chandran et al) discloses method and apparatus for applying QoS to multicast streams transmitted in a cable network.
  - (3) US 2003/0067944 (Sala et al) discloses method, system, and computer program product for synchronizing voice traffic with minimum latency.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: January 19, 2007



PHIRIN SAM  
PRIMARY EXAMINER